

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Edward W. Stark oplicant:

Examiner: R. A. Rosenberger

Serial No .:

08/818,289

Group Art Unit: 2877

Filed:

March 14. 1999

Docket: 653.001US1

Title: METHOD AND APPARATUS FOR OPTICAL INTERACTANCE AND

TRANSMITTANCE MEASUREMENTS

MAIL STOP ISSUE FEE

Commissioner for Patents P.O. Box 1450 Alexandria. VA 22313-1450

Form PTOL-85B (1pg), plus one copy

Communication re: Issue Fee Transmittal, with Authorization for Fee

Copy of Notice of Allowance and Issue Fee Due, Notice of Allowability, Examiner's Amendment, Interview Summary, Determination of Patent Term Adjustment, and Notice of Fee Increase

Communication re: Small Entity / Individual Inventor Communication

Transmittal Sheet Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers if an additional extension of time is deemed necessary by the Office. Authorization is hereby given to charge Deposit Account Number 50-1391 if such additional extension is necessary.

MARK A. LITMAN & ASSOCIATES, P.A.

York Business Center, Suite 205, 3209 W. 76th St. Edina, MN 55435 (952-832-9090)

Atty: Mark A. Litman

Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on October 24, 2003. Meun

Mark A. Litman



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Edward W. Stark

Examiner: R. A. Rosenberger

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Title: METHOD AND APPARATUS FOR OPTICAL INTERACTANCE AND TRANSMITTANCE

MEASUREMENTS

MAIL STOP ISSUE FEE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Communication Re: Small Entity/Individual Inventor Status

Dear Sir or Madam:

I, Mark A. Litman, as the attorney of record for the above-mentioned patent application, upon best information and belief hereby state that Edward W. Stark is an individual inventor and qualifies for small entity status in accordance with the statute 37 C.F.R. 1.9(f) and 1.27(c).

MARK A. LITMAN & ASSOCIATES, P.A. York Business Center, Suite 205, 3209 W. 76th St. Edina, MN 55435 (952-832-9090)

Atty: Mark A. Litman Reg. No. 26.390

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Mark A. Litman

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Notice of Norward History The MAILING DATE of this communication appears on the cover-sheet with the correspondence addresserventh for previously mailed), a Notice of Allowance (PTOL-59) or die. The MAILING DATE of this communication appears on the cover-sheet with the correspondence addresserventh for previously mailed), a Notice of Allowance (PTOL-59) or die. This addresserventh of the provided of the prov	0	Application No.	Applicant(s)		
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Notice of Draftperson's Patent Drawing New York (PTO-1449), Paper No	1☐ Notice of References Cited (PTO-892)		ISZ Intonziew Summary (P.I.	0-413), Paper No.01		
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U.S. Patent and Trademark Office Notice of Allowability PTO-37 (Rev. 04-03)	1.6 Osteni ord Trademark Office	lies of Allowability	Pa	rt of Paper No. 6 3		

Application/Control Number: 08/818,289

Art Unit: 2877

- 1. An examiner's amendment to the record appears below. Should the changes and additions be unacceptable to applicant, an amendment may be filed as provided by 37 CIPA 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
- 2. In the amendment filed by fax on 25 July, 2003, claims 46-50, first occurrence of these claims, have been cancelled.
- 3. As discussed in the telephone interview on 25 July 2003 the amendment filed 18 June 2003 could not be entered because of the nature of typographical errors contained therein. On 25 July 2003, in response to that telephone interview, a revised version of the amendment was filed by fax. The revised amendment contained typographical errors; there were in the listing of the claims two copies of each of claims 46-50, and claims 46-49 differ in the two occurrences. A review of the file history shows that the first version of these claims is a older version of the claims, the second version being the current version. Thus the FIRST copy of claims 46-50 have been cancelled, and the second version remain as allowed claims.
 - 4. Papers related to this application may be submitted to Group 2800 by facsimile transmission. The faxing of such papers must conform to the notice published in the transmission. The faxing of Such papers must conform to the notice published in the Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. A. Rosenberger whose telephone number is (703) 308-4804.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

R. A. Rosenberger 22 July 2003 Richard A. Rosenberger Primary Examiner

Page 2

	Application No.	Applicant(s)
OIP E vo,	08/818,289	STARK, EDWARD W.
Interview Summary	Examiner	Art Unit
Interview Juliana 7 7003	Richard A Rosenberger	287 C OOD
Il participants (applicant, applicants representative, PTC	personnel):	P
	(3)	•
) <u>Richard A Rosenberger</u> .	(4)	
2) <u>Mark A, Litman</u> .	. ,	
Date of Interview: 7/25/2003.		
Type: a)⊠ Telephonic b)□ Video Conference c)□ Personal [copy given to: 1)□ applicant	2)☐ applicant's representa	ative]
Exhibit shown or demonstration conducted: d) Yes If Yes, brief description:	e)□ No.	
Claim(s) discussed: see below.		
Identification of prior art discussed:	T	n⊠ n/A.
Agreement with respect to the claims f) was reached Substance of Interview including description of the gen	. g) was not reached. If	7
Substance of Interview including description of the gen reached, or any other comments: The amendment after entered for the following reasons: (1) claim 43 is indicated in the claims 45-53; (2) claim 45 has extraneous mit been omitted. A new version for the amendment addressed allowable, if available, must be attached. Also, where allowable is available, a summary thereof must be attached. Also, where allowable is available, a summary thereof must be attached. Also, where allowable is available, a summary thereof must be attached. Also, where allowable is available, a summary thereof must be attached. In the comment of the comme	ageria auded of the page is a page in a dided in the examino copy of the amendments ached.) ICE ACTION MUST INCLUE to the last Office action has a page in the pa	xed to the Office. ner agreed would render the claims that would render the claims SE THE SUBSTANCE OF THE salready been filed, APPLICANT IS DET THIS INTERVIEW SUMMARY FOR THE INTERVIEW. See
	K	MA
Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.		ner's signature, if required
U.S. Patent and Trademark Office	Interview Summary	, op

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the in in every instance where reconsideration is requested in view of an interview with an examiner, a compete virtue, statement of the reasons presented at the interview and arranged solution in the field by the applicant. An interview does not remove the necessity for righty to Office action as specified in §§ 1.111, 1.135, (35 U.S.C. 132) warranging sworable action must be field by the applicant. An interview does not remove the necessity for righty to Office action as specified in §§ 1.111, 1.135, (35 U.S.C. 132).

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself

te through one cannot to record the substance or interviews.
It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless incomplete through the failure to record the substance of interviews.

it is the responsionary or the applicant or the automoty or agent to make the substance of an interview of rection at the application me, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies the examiner's responsibility to see that such a record is made and to correct material inaccuracies. Examiners must complete an interview Summary Form for each interview held where a matter of substance has been discussed during the which bear directly on the question of patentability.

Examilies must compete an interview outlineary running and interview into other a make or account to the control of the contro requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the out typographical errors or unreagable script in Office actions of the line, are excluded from the site were recordance procedured substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address consultation of the interview. In the case of a temphone or video-conference men view, the copy is maked to the applicant's correspondence and either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other either with or prior to the next official communication. circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner

 - Date of interview Type of interview (telephonic, video-conference, or personal)
 - Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
 - An indication whether or not an exhibit was shown or a demonstration conducted
 - An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does
 - The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It it is desirable that the examiner drainy retinance applicant or major net congeniors at some as examined or an electrical should be noted, however, that the interview Summary Form will not normally be considered a complete and proper recordation of the interview should be noted, however, that the interview Summary Form will not normally be considered a complete and proper recordation of the interview anound be noted, inserver, that the medition dominion of the maximum of the considerative complete and proper reconsistance of the material management of the specific of the examiner to include, all of the applicable items required below concerning the unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

- A complete and proper recordation of the substance of any interview should include at least the following applicable items:
- A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- an internation of the principal prior are unsuessed.

 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the
- Interview Summary Form completed by the Examiner, 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
 - en uternamentarion are general brass of the principal arguments presented to the examiner. (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- o) a general monounce or any union periment matters viscussed, and 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by 6) a general indication of any other pertinent matters discussed, and

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the in the claims are allowable to other reasons or record, the examiner should send a letter setting from the examiner's volume to the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.